

The Arthurs reference teaches the use of a grafted polyethylene or grafted polypropylene adhesive to provide the desired strength in a headliner. The Michael reference ('989) teaches that a variety of fibers and mixtures thereof may be used in a headliner. There is no teaching contained in either of the references that supports the combination proposed by the Examiner.

The express teachings of the references teach away from the combination proposed by the Examiner, because the combination of the references is just as likely to produce a variety of other composite combinations besides the claimed invention. A proper combination of the teachings of the Arthurs reference with the Michael ('989) reference would result in the fiberglass and adhesive of the Arthurs reference applied to the door skin of the Michael reference ('989). Further, the teachings of the Arthurs reference cannot be properly combined with the teachings of the Michael reference ('989), because there is no motivation for making such a combination in either reference.

Only the use of improper hindsight reasoning or an improper "obvious to try" rationale would result in the combination proposed by the Examiner. The Examiner has varied all of the parameters of the laminates of the Arthurs reference and Michael reference to produce the laminate of the claimed invention. The Arthurs reference and the Michael reference give no indication as to which parameters of the laminates are critical. See MPEP 2145(X)(B).

Further, a prior art reference must be considered in its entirety including portions that would lead away from the claimed invention. See MPEP 2141.03 citing W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983). Because of the totality of the teachings of the Arthurs et al. and Michael references, there is no motivation to employ carbon fibers in the laminate of the Arthurs reference. The test for obviousness is what the combined teachings of the references would have suggested to one of ordinary skill in the art, and all teachings in the prior art must be considered to the extent that they are analogous arts. Where the teachings of two or more references conflict, the Examiner must weigh the power of each reference to suggest solutions to one of ordinary skill in the art, considering the

degree to which one reference might accurately discredit another. See MPEP 2143.01, citing In re Young, 927 F.2d 588, 18 USPQ2d 1089 (Fed. Cir. 1991). One would not be motivated to combine the carbon fibers of the Michael reference with the laminate the Arthurs reference to create a laminate having enhanced strength because of the express teachings in the Arthurs reference that the use of a grafted polyethylene or grafted polypropylene adhesive to provide the desired strength in a headliner. Therefore, it is improper to combine the Arthurs reference and the Michael reference because the references teach away from the combination proposed by the Examiner. Further, the Arthurs reference and the Michael reference do not provide any motivation to employ the carbon fiber and binder of the Michael reference and the core of the Arthurs reference to produce a laminate as proposed by the Examiner.

The Examiner also stated that the Declaration filed August 16, 2006 was insufficient to overcome the rejection of the claims because there was no showing that others of ordinary skill in the art were working on the problem and if so, for how long. However, the Declaration clearly and unambiguously states that (1) "there has been and continues to be a long felt need in the vehicular manufacturing industry to reduce the overall weight of vehicles," (2) "there has been and continues to be a long felt need in the vehicular manufacturing industry to reduce the amounts of glass fibers that are used in vehicular components," and (3) "there has been and continues to be a long felt need in the vehicular manufacturing industry to recycle automotive parts at the end of their useful lives." These statements are uncontroverted evidence that others of ordinary skill in the art were working on the problem and for how long.

The Declaration states that "carbon fibers, basalt fibers or other fibers of my invention may have a tensile strength higher than the tensile strength of traditional fiber glass" and that "the handling of carbon fibers and basalt fibers does not encounter some of the handling issues that are associated with the handling of glass fibers." The Declaration further states that "the laminate product of my invention is readily able to be recycled by incineration" and that "the carbon fibers and basalt fibers of my invention have the unexpected benefit of reuse after the incineration of the laminate product." The Examiner noted that the claims did not recite any of these

features. However, in determining whether the invention as a whole would have been obvious under 35 U.S.C. 103, the invention as a whole must first be delineated. In delineating the invention as a whole, one looks not only to the subject matter which is literally recited in the claim in question but also to those properties of the subject matter which are inherent in the subject matter and are disclosed in the specification. See MPEP 2141.02, citing In re Antonie, 559 F.2d 618, 620, 195 USPQ 6,8 (CCPA 1977). These inherent properties of the subject matter delineate the invention as a whole.

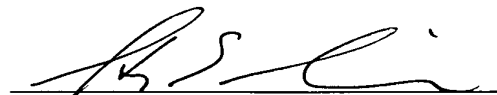
The Declaration further states that:

"I do not believe that either reference teaches the combination of the carbon fibers and binder of the Michael reference in the laminate of the Arthurs reference to create a laminate having enhanced lamination strength as suggested by the Examiner. Therefore, I do not believe that the Arthurs reference and the Michael reference provide any motivation to employ carbon fibers rather than glass fibers in the laminate of the Arthurs reference as proposed by the Examiner."

Thus, the Declaration states that there is no motivation for the combination proposed by the Examiner and the statements of the Declaration further suggest that the Arthurs et al. reference and Michael reference teach away from the combination proposed by the Examiner as discussed above.

For the reasons set forth above and in the previously filed Declaration, the proposed combination of references must fail. Accordingly, the claimed invention is clearly patentable over the art of record.

Respectfully submitted,



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